

**TOWN COUNCIL
REGULAR MEETING
DECEMBER 16, 1998**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:02 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Venis, Vice-Mayor Cox and Councilmembers Bush, Paul and Weiner. Also present were Interim Town Administrator Rawls, Town Attorney Webber, and Town Clerk Reinfeld recording the meeting.

3. PRESENTATIONS

3.1 Friends of Davie Parks and Recreation, Lisa Edmonson.

Ms. Edmonson advised that the unused money donated by businesses and individuals for the parks and recreation bond issue was being donated to the EASE Foundation. She indicated that the EASE Foundation had been asked to establish a scholarship with the Town to be used as registration money to help kids who would not otherwise be able to afford the programs.

3.2 Broward County School Board (Nova-Davie Zone Night)

This item was to be rescheduled.

3.3 Glenn Irwin, Redevelopment Administrator - Five Years.

Mayor Venis presented Mr. Irwin with a service award.

3.4 Lance Seltzer, Police Officer - Five Years

Officer Seltzer was not present.

3.5 Nancy Cook, Police Officer - Ten Years

Mayor Venis presented Officer Cook with a service award.

3.6 Amy Windham, Secretary - Ten Years

Mayor Venis presented Ms. Windham with a service award.

3.7 Carol Knutsen, Administrative Secretary - Fifteen Years

Mayor Venis presented Ms. Knutsen with a service award.

3.8 Patricia Gorman, Administrative Secretary - Twenty Five Years

Mayor Venis presented Ms. Gorman with a service award.

3.9 Community Redevelopment Agency

Chair, updated Council on the Agency's efforts.

3.10 Upcoming Special Events - Bonnie Stafiej and Sharon Pierce-Kent

Bonnie Stafiej, Special Projects Coordinator, advised that upcoming events included the Moonlight Jump Series (December 19th) and added that one more jackpot rodeo would be scheduled.

Sharon Pierce-Kent, Community Services Director, announced that upcoming events included: registration for girls softball (beginning late January); free clinics for girls at the Gessner Sports Complex (January); registration for boys baseball (Shenandoah Park and Bamford Park); Teen Night (every Friday at Orange Park and Eastside Community Hall); and Winter holiday camp (on-going).

3.11 Fraternal Order of Police.

Frank Canellas, President, stated that he hoped Council would consider increasing the Deferred Retirement Option Plan (DROP) from two to five years. He indicated that only three officers would be affected and they had asked

that this issue be brought before Council.

Jodie Schwartz, Police Pension Board Counsel, explained that when the DROP was implemented, a 90 day window was opened for those persons with more than 20 years of service to participate. She advised that these officers were allowed to participate in the DROP for 24 months to 60 months dependent upon their years of service. Ms. Schwartz stated the Fire DROP permitted all personnel with more than 20 years service to participate for a full five years if they choose.

There were no comments by Council.

4. OCCUPATIONAL LICENSES

Home Occupational Licenses.

4.1 Biggs Interiors, Inc., 2825 SW 117 Avenue

This item was approved later in the meeting.

4.2 Splash Pools and Spas of Florida, Inc., 14600 SW 21 Street

This item was approved later in the meeting.

5. MAYOR/COUNCILMEMBER COMMENTS

COUNCILMEMBER WEINER

IRAQ. Councilmember Weiner advised that the United States, Great Britain, and a few other Allied Nations were involved in a strike in the Gulf region with regard to Iraq. He indicated that our thoughts and prayers go out to all the soldiers.

GOVERNOR CHILES. Councilmember Weiner asked for a few moments of silence for the passing of Governor Lawton Chiles.

HAPPY BIRTHDAY. Councilmember Weiner wished his wife, Wendy, a happy birthday.

POLICE ATHLETIC LEAGUE (PAL). Councilmember Weiner stated that he could not make the Fraternal Order of Police Associates meeting on Monday as he was at the Eastside Community Center with Davie's PAL Christmas Program. He thanked everyone that helped.

THANKS. Councilmember Weiner thanked all the individuals who helped with the Annual Lighting of the Green.

HORSE RIDER REGULATIONS. Councilmember Weiner stated that a 15 year old rider had died while riding her horse and he wished her family the best in dealing with the situation. He would like to see the Open Space Advisory Committee review some type of guidelines for riders and indicated that the Town did not have any helmet laws.

ATTORNEY REPORT. Councilmember Weiner stated that he would like to see a Town Attorney's Report on the agenda, in order to bring the public up to date.

FIRE. Councilmember Weiner stated that he had previously mentioned annual fire inspections which the Town was suppose to do no less than annually or as deemed necessary by the Fire Chief. He indicated that the Town had not been doing this and asked that this be looked into quickly.

Mayor Venis stated that the Town Attorney's Report would be added to the next agenda and would be an on-going report.

VICE-MAYOR COX

PARADE. Vice-Mayor Cox stated that the South Florida Trail Riders Jingle Bell Parade was held on December 13th and a lot of toys had been collected. She thanked everyone who participated.

THANKS. Vice-Mayor Cox thanked all the staff involved with the Annual Lighting of the Green and commended the Public Works Department for the lighting decorations.

YOUTH. Vice-Mayor Cox stated that at the next meeting, she would be discussing the National League of Cities Conference. She indicated that the League was focusing more on youth and programs on how to get children involved in the public sector.

TEEN GROUP. Vice-Mayor Cox stated that the Town was in the process of developing a teen group to help in the development of the new Pine Island Ridge multi-purpose building. She suggested that a teen council be established to somehow participate in what types of things they would like to see at the center and what kind of facility the Town should have.

COUNCILMEMBER PAUL

GOVERNOR CHILES. Councilmember Paul mentioned he passing of Governor Chiles and he needed to be remembered not only for all the work he did as public figure but as a wonderful family man, great leader and a champion of the children.

TOY RUN. Councilmember Paul thanked the Wings of Gold for the Bike Run In The Sun and she indicated that it was a unique experience as she rode in a sidecar from Pompano Park to Markham.

HELMET LAW. Councilmember Paul stated that the Safety Summit would begin a helmet campaign during the Parade of Breeds at the Westfair events. She advised that Bob Amchir had donated 20 helmets to be given away at the Parade of Breeds.

SIGNAGE. Councilmember Paul stated that Council had talked about horse crossings in the past and it was time to identify what roads were designated as horse trails and where the crossings were.

HAPPY BIRTHDAY. Councilmember Paul stated wished happy birthday to her nephews, Mark and Gary.

HAPPY HOLIDAYS. Councilmember Paul extended wishes for a happy Hanukkah, merry Christmas, happy Kwanza and happy New Year.

COUNCILMEMBER BUSH

THANKS. Councilmember Bush stated that the Lighting of the Green was exceptionally well organized and commended Public Works for a very fine job.

HOLIDAYS. Councilmember Bush wished everyone happy holidays and a reminder to drive safely.

MAYOR VENIS

HAPPY BIRTHDAY. Mayor Venis wished his daughter, Kathleen, a happy birthday.

THANKS. Mayor Venis complimented everyone who worked so hard to make the Lighting of the Green a huge success. It was well organized and everyone had a good time.

MRS. DAVIE. Mayor Venis stated that the Mrs. Broward County America Beauty Pageant was held in the Davie rodeo arena this past Friday. He suggested that Mrs. Davie attend a meeting to be recognized for all the hard work she did in the community. He added that she was anxious to be very active in upcoming events in the community.

TOY RUN. Mayor Venis stated that he had participated in the toy run with Councilmember Paul and had also ridden in a sidecar. He advised that they collected a lot of toys for some very needy kids.

HELICOPTER RIDE. Mayor Venis apologized to Councilmember Paul for the helicopter ride from Markham Park to Pompano Park as her helicopter was a two seater without a door.

NEEDY FAMILIES. Mayor Venis stated that Council had attended the Police Athletic League Christmas party and the Kiwanis Christmas party which were held to give gifts to needy families. He indicated that for a number of these families, this was the only gift that the children received for the holidays.

BRIDGE. Mayor Venis stated that he had received a number of phone calls regarding the bridge at Orange Drive. He suggested that a meeting be held with the Department of Transportation to discuss this issue and added that it was Council's intent to keep Orange Drive a rural road with the least possible amount of traffic.

WELCOME. Mayor Venis stated that he had met with a printer to discuss preparing a map and history of Davie, at no cost to the Town, along with a welcome package for new residents. Vice-Mayor Cox stated that the Davie/Cooper City Chamber of Commerce also provided a map and she did not know if the Chamber had any type of advertising package. Mayor Venis stated that he did not think that the Chamber mailed out maps. Vice-Mayor Cox stated she did not know if the Chamber used it as a fund raiser. Mayor Venis stated that the Chamber obtained a lot of business sponsors and hoped that the residents would use the businesses advertised. He thought it would be a good program and asked that some sort of proposal be given to Council.

6. TOWN ADMINISTRATOR'S COMMENTS

THANKS. Mr. Rawls complimented all the staff who were involved with the lighting display at Town Hall.

HAPPY HOLIDAYS. Mr. Rawls wished everyone the best of the holiday season and a healthy and happy New Year.

GRADUATION. Mr. Rawls advised that his daughter, Stacy, had graduated from Florida Atlantic University on December 15th.

4.1 Christopher Biggs, the applicant, was present. He confirmed that the request was for mail and phone use only. Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

4.2 John Biggins, the applicant, was present. He confirmed that the request was for mail and phone use only. Councilmember Weiner asked if any materials or equipment would be stored on the property. Mr. Biggins responded negatively.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis announced that items 9.3, 9.9, 9.14, and 9.15, needed to be tabled to January 20, 1999. Councilmember Bush made a motion, seconded by Vice-Mayor Cox, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis announced that items 9.5, 9.11, and 9.12 needed to be tabled to January 6, 1999. Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis announced that item 9.13 needed to be tabled to January 20, 1999. Councilmember Bush made a motion, seconded by Vice-Mayor Cox, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis announced that item 9.16 needed to be tabled to February 3, 1999. Councilmember Paul made a motion, seconded by Vice-Mayor Cox, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

7. CONSENT AGENDA

Minutes

7.1 November 4, 1998 - Regular Meeting

7.2 November 11, 1998 - Special Meeting

7.3 November 18, 1998 - Regular Meeting

Proclamation

7.4 Rick Case Bikes for Kids Day (December 16, 1998)

Resolutions

7.5 RATIFICATION OF CONTRACT AMENDMENT - A RESOLUTION OF THE R-98-374 TOWN OF DAVIE, FLORIDA, AMENDING RESOLUTION R-98-229 PERTAINING TO THE FIREFIGHTERS DEFERRED RETIREMENT OPTION PLAN AND RATIFYING AN AMENDMENT TO THE ATTACHMENT TO ARTICLE 11, ENTITLED "PENSION PLAN," OF THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS; AND PROVIDING AN EFFECTIVE DATE. (tabled from December 1, 1998)

7.6 FIREFIGHTERS' PENSION TRUST FUND IMPACT - A RESOLUTION OF THE

R-98-375 TOWN OF DAVIE, FLORIDA, ACCEPTING AN ACTUARIAL IMPACT STATEMENT FOR THE CHANGES IN BENEFITS IN THE TOWN OF DAVIE FIREFIGHTERS' PENSION TRUST FUND AND ACCEPTING THE RELATED ESTIMATE OF THE IMPACT ON THE PENSION BENEFIT OBLIGATION. (tabled from December 1, 1998)

7.7 RENTAL AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, R-98-376 FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO A RENTAL AGREEMENT WITH SWIMAMERICA, INC. FROM DECEMBER 1998 TO SEPTEMBER 1999 FOR SWIM LESSONS AT THE PINE ISLAND COMMUNITY CENTER POOL. (\$1,870 annually)

7.8 RENTAL AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, R-98-377 FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH SWIMAMERICA, INC. FROM DECEMBER 1998 TO SEPTEMBER 1999 FOR SWIM TEAM AT THE PINE ISLAND COMMUNITY CENTER POOL. (payment to Town of pool membership fee or daily pool fee; \$10 special charge for lane changes)

7.9 PROPOSAL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-378 ACCEPTING THE PROPOSALS FOR COMPUTER PROGRAMMING SERVICES. (Micro Systems Consultants as the primary supplier; Tri-State Employment Services, Inc.; \$45/hour)

7.10 BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING R-98-379 THE BIDS FOR PLAYGROUND EQUIPMENT, PARK EQUIPMENT, PARK SHELTERS AND THE INSTALLATION OF THE SAME PURSUANT TO THE BIDS IN ATTACHMENT "A". (\$493,300)

7.11 BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING R-98-380 THE BIDS FOR LAWN MAINTENANCE FOR THE TOWN HALL COMPLEX, THE PUBLIC SAFETY COMPLEX, AND VARIOUS ROADWAY CORRIDORS. (Elan Lawn Service for zones 1, 3, and 5; Keep It Cut, Inc. for zone 2; and Green 2 Go Management for zone 4)

7.12 BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING R-98-381 THE BID FOR DEMOUNTABLE PARTITIONS, METRO DADE BID NUMBER SS5378. (Hugh Robinson, Inc.; supply and installation - \$41,465)

7.13 BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING R-98-382 THE BID FOR COMMUNICATION EQUIPMENT, PALM BEACH COUNTY BID NO. SB 97C-145J. (Motorola, Inc. - \$26,002)

7.14 BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, WAIVING R-98-383 FORMAL BIDDING AND PROVIDING FOR AN ALTERNATIVE BIDDING MECHANISM, FOR THE BELLSOUTH SERVICES CONTRACT REQUIRED BEFORE INSTALLING FRAME RELAY EQUIPMENTS AT TOWN HALL AND VARIOUS REMOTE SITES IN ORDER TO ELIMINATE THE NORMAL INSTALLATION FEES.

7.15 ARENA RENTAL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-384 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH FIVE STAR RODEO FOR THE RENTAL OF THE BERGERON RODEO GROUNDS, OF DAVIE FLORIDA. (bullriding - January 9, February 27, March 27, June 12, and September 11, 1999; arena rental fee - \$500/performance)

7.16 ARENA RENTAL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-385 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH FIVE STAR RODEO FOR THE RENTAL OF THE BERGERON RODEO GROUNDS, OF DAVIE FLORIDA. (rodeo competitions - January 22-23, April 23-24, May 21-22, August 27-28, September 24-25, October 22-23,

November 26-27, 1999; arena rental fee - \$500/performance)

7.17 INSTALLATION OF REQUIRED IMPROVEMENTS AGREEMENT - A
R-98-386 RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR AND TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, AND SIMONSON REAL ESTATE HOLDINGS, LTD. RELATING TO THE INSTALLATION OF REQUIRED IMPROVEMENTS WITHIN THE SIMONSON ESTATES PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURE TO SAID AGREEMENT. (14700 SW 26 Street)

7.18 AMENDING RESOLUTION - A RESOLUTION OF THE TOWN OF DAVIE,
R-98-387 FLORIDA, AMENDING RESOLUTION R-98-306, ACCEPTING THE COPS UNIVERSAL HIRING SUPPLEMENTAL GRANT, AWARDED BY THE U. S. DEPARTMENT OF JUSTICE FOR THE HIRING OF SIX ADDITIONAL COMMUNITY ORIENTED POLICING OFFICERS. (amending accurate grant match requirements)

7.19 TRAVEL - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-98-388 AUTHORIZING EXTENDED TRAVEL FOR DETECTIVE BERNARD CANELLAS OF THE DAVIE POLICE DEPARTMENT TO ATTEND INSTRUCTOR TECHNIQUES TRAINING. (\$175)

7.20 TRUST AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE,
R-98-389 FLORIDA, ADOPTING A TRUST AGREEMENT FOR THE TOWN OF DAVIE DEFERRED COMPENSATION PLAN; AND PROVIDING AN EFFECTIVE DATE.

7.21 ISSUANCE OF BONDS - A RESOLUTION OF THE TOWN COUNCIL OF THE
R-98-390 TOWN OF DAVIE, FLORIDA, AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE TOWN OF DAVIE, FLORIDA, IN THE AGGREGATE PRINCIPAL AMOUNT OF \$10,000,000 FOR THE PURPOSE OF PROVIDING FOR RECREATIONAL PROJECTS, PROVIDING FOR IMPROVEMENTS TO EXISTING PARKS, ACQUISITION AND EXPANSION OF RECREATIONAL PARKS AND SPORTS FACILITIES, INCLUDING ATHLETIC FIELDS, PLAYGROUNDS, RECREATIONAL AND COMMUNITY CENTERS AND A MULTI-PURPOSE FACILITY TO ACCOMMODATE ALL AGES INCLUDING CHILDREN, ADULTS AND SENIORS, AUTHORIZED AT AN ELECTION HELD ON NOVEMBER 3, 1998; AWARDING THE SALE OF THE BONDS TO NATIONSBANK, N.A.; CONTAINING OTHER PROVISIONS RELATING TO THE BONDS; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

7.22 RATIFYING FILING OF PETITIONS - A RESOLUTION OF THE TOWN OF
R-98-391 DAVIE, FLORIDA, RATIFYING THE FILING OF PETITIONS FOR FORMAL HEARING WITH THE STATE OF FLORIDA, DIVISION OF RETIREMENT CONCERNING FINAL AGENCY ACTION REGARDING THE WITHHOLDING OF CHAPTERS 175 AND 185 DISTRIBUTIONS TO THE TOWN; AND PROVIDING AN EFFECTIVE DATE.

7.23 PURCHASE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-98-392 AUTHORIZING THE PURCHASE OF LAPTOP COMPUTERS FOR THE EMERGENCY OPERATING CENTER AND TO BE PURCHASED THROUGH GRANT FUNDING.

Ordinances - First Reading (Public Hearing to be held January 6, 1999)

7.24 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,
AMENDING THE TOWN CODE BY AMENDING SECTION 12-40, ENTITLED "NON-CONFORMING USES OF BUILDINGS, STRUCTURES AND PREMISES" BY ADDING THERETO SUBSECTION 12-40(6); PROVIDING FOR RECONSTRUCTION IN CERTAIN CASES OF NON-CONFORMING MULTI-FAMILY RESIDENTIAL PREMISES OF NO LESS THAN 10 ACRES IN SIZE; PROVIDING

CONDITIONS FOR RECONSTRUCTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

7.25 REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG TO CF; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 10-1-98, 1775 Flamingo Road) Mayor Venis asked that items 7.10 and 7.17 be removed from the Consent Agenda. Councilmember Weiner asked that items 7.20 and 7.21 be removed.

Councilmember Weiner made a motion, seconded by Councilmember Paul, to approve the Consent Agenda without items 7.10, 7.17, 7.20 and 7.21.

Town Clerk Reinfeld read the ordinances-first reading by title only. Mayor Venis advised that a public hearing on items 7.24 and 7.25 would be held on January 6, 1999.

In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

7.10 Mayor Venis asked if the amount on the parks bond was on target. Ms. Pierce-Kent explained that the amount may be under the projected cost. Mayor Venis asked that a synopsis be prepared on which parks would have shelters and how the money was allocated and how it correlated to what was originally estimated. Ms. Pierce-Kent indicated that she was holding meetings with the residents to confirm their desires. Vice-Mayor Cox stated that a list could be prepared when it was determined what each of the neighborhoods needed.

Vice-Mayor Cox made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

7.17 Gayle Easterling, Planning and Zoning Manager, advised that the lien amount noted in the agreement had been amended from \$42,331 to \$66,880.

Councilmember Bush made a motion, seconded by Councilmember Paul, to approve with the change. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

7.20 Councilmember Weiner questioned why the agreement was a non-discretionary trustee. Christopher Wallace, Director of Budget and Finance, explained that this was what Invesco wanted and explained that the resolution was for the Deferred Compensation Plan, not a retirement plan. He stated that Congress had changed the law and these assets were to be held separately so general creditors could not get at employees' money.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

7.21 Councilmember Weiner questioned how NationsBank was chosen with Mr. Wallace explaining the competitive process. Councilmember Weiner indicated that he would like this information included in the future. Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

8. SITE PLANS.

8.1 SP 8-1-98, Nob Hill Goodyear, 1124 SW 101 Road (B-3) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report, adjustment of the landscaping on the east and west sides at the service entrances, and tiling the crickets on the roof.*

This item was approved later in the meeting.

9. PUBLIC HEARINGS

Mayor Venis opened the public hearing portion of the meeting.

Ordinance - Second and Final Reading

9.1 PENSION PLAN AMENDMENT - AN ORDINANCE OF THE TOWN OF 98-47 DAVIE, FLORIDA, AMENDING RESOLUTION 82-107, AS AMENDED, REPEALING THE CURRENT RESOLUTIONS AND ENACTING A NEW ORDINANCE FOR THE FIREFIGHTERS PENSION PLAN AND TRUST FUND; PROVIDING FOR CONTINUATION OF THE PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (tabled from December 1, 1998)

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Vice-Mayor Cox indicated that she would like the ordinance to provide that the Fire Pension Board meetings be recorded by machine and not by hand. Mr. Webber responded that the ordinance could be amended without a substantial change. Councilmember Weiner indicated that most of the "the plans that we're involved in" do not tape the meeting and questioned the rationale for taping this meeting. Vice-Mayor Cox advised that in one instance, after the meeting was held, there was a difference of opinion and nothing could be reviewed. She would like to have a tape recorded version of the meetings in case any resident or Councilmember wanted to listen to what happened. Vice-Mayor Cox added that all Town meetings were recorded.

Town Clerk Reinfeld indicated that the attachment to the ordinance had been amended and she wanted to make certain that Council had received the corrected document. Council indicated that it had received the amended document.

Councilmember Weiner questioned if the changes had been reviewed with the Pension Board's attorney. Mr. Wallace responded negatively but indicated that the changes were minor and should not be a problem. This item was deferred to later in the meeting to allow Council to review a few corrected pages that had not been distributed.

9.2 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, 98-48 FLORIDA, AMENDING THE TOWN CODE BY AMENDING SECTION 17-3, ENTITLED "PEDDLERS AND SOLICITORS, PERMIT FEE; INSURANCE" BY DELETING REFERENCE TO THE APPLICATION FEE; PROVIDING THAT THE FEE BE DEFINED BY THE OCCUPATIONAL LICENSE RATE SCHEDULE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Paul made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Quasi Judicial Items.

9.3 VACATION/ABANDONMENT - VA 7-1-98, Pasadena at Imagination Farms, Inc., 13601 Orange Drive (tabled from November 10, 1998) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject to the planning report and the petitioner's voluntary agreement to allow a 10 foot wide bridle path adjacent to the pole line*

This item was tabled earlier in the meeting.

9.4 VARIANCE - V 10-4-98, Catalyst Developer Services, Inc./Commercial Property Network, Inc., 1124 SW 101 Road (B-3) (to reduce the required lot depth from 250 feet to 137.8 feet; to reduce the required landscaped buffer from 10 feet to 5 feet along the east boundary; to reduce the required double parking median width from 10 feet to 0) (tabled from November 18, 1998) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject to the planning report*

Mr. Webber explained the rules concerning the admission of evidence. Town Clerk Reinfeld swore in the witnesses. Mr. Webber questioned if anyone was opposed to the petition with no one responding. Ms. Easterling advised that her application was on file with the Town's Personnel Division and her education, experience and professional certification qualified her as an expert witness. She summarized the planning report.

Chris Reeder, representing the petitioner, explained the request.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the rezoning. No one spoke. Ms. Easterling stated that there was some discussion between staff and the applicant that these four parking spaces be moved to the south side of the building, therefore, the variance for the 10 foot median would not be required. Aesthetically, she thought it was a much better plan to leave the landscaping adjacent to the building which allowed Goodyear some flexibility in parking large vehicles.

Mr. Webber stated that the hearing was concluded.

Councilmember Paul stated that she would like to see more landscaping. Vice-Mayor Cox and Ms. Easterling explained the proposed landscaping which was 8% above Code.

Councilmember Bush made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

8.1 Ms. Easterling read the planning report. Chris Reeder, representing the petitioner, was present.

Councilmember Paul indicated that she had some concern with the traffic flow and access. She stated that there were two schools and a new public safety complex in the area and she wanted to make certain that the traffic flow would move. Mr. Reeder explained that he thought there would be a good traffic flow pattern as there were two accesses to the site.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to approve subject to the Site Plan Committee Recommendation. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

9.1 Mr. Wallace distributed the appropriate pages and explained the changes.

Vice-Mayor Cox made a motion, seconded by Councilmember Weiner, to approve with the addition of Mr. Wallace's amendments and with the addition on page 4, Section 3, paragraph 8, that the minutes of the board be tape recorded in addition to being kept in written form. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

9.5 SPECIAL PERMIT - SE 8-2-98, Pellerito/Home Depot, 2300 South University Drive (B-3) (to permit an outside food vendor adjacent to the store entrance) *Planning and Zoning Division recommended subject to the planning report; Planning and Zoning Board recommended approval subject to the planning report and a mandatory review in one year by the Board and Council*

This item was tabled earlier in the meeting.

Ordinance - First Reading (Second public hearing expected to be held January 6, 1999)

9.6 CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION ZB(TXT)-7-5-98 CREATING THE "RESIDENTIAL HIGH DENSITY DWELLING (RM-22) DISTRICT" BY AMENDING THE CODE OF DAVIE, FLORIDA, CHAPTER 12, LAND DEVELOPMENT CODE, SECTION 12-21 ENTITLED, "ZONING DISTRICTS"; SECTION 12-24 ENTITLED, "STATEMENT OF PURPOSE AND INTENT OF ZONING DISTRICTS"; SECTION 12-32 ENTITLED, "TABLE OF PERMITTED USES"; SECTION 12-53 ENTITLED, "RESIDENTIAL PERFORMANCE STANDARDS"; SECTION 12-81 ENTITLED, "RESIDENTIAL, NEIGHBORHOOD CONSERVATION AND MOBILE HOME STANDARDS, TABLE 12-81C. CONVENTIONAL MULTIFAMILY DEVELOPMENT STANDARDS"; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from December 1, 1998)

Mr. Webber asked that this item be tabled to January 20, 1999 and explained that Council had approved a non-conforming use ordinance - first reading.

Councilmember Paul made a motion, seconded by Vice-Mayor Cox, to table to January 20, 1999. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - no. (Motion carried 4-1)

Ordinance - First Reading (Second Public Hearing expected to be held Spring 1999)

9.7 COMPREHENSIVE PLAN AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY REVISING THE HOUSING ELEMENT BASED UPON THE 1995 EVALUATION AND APPRAISAL REPORT OF THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (tabled from December 1, 1998)

Town Clerk Reinfeld read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Jeff Katims, Planner, explained the ordinance.

Vice-Mayor Cox made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Resolutions.

9.8 CABLE FRANCHISE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-98-393 APPROVING, AND AUTHORIZING THE MAYOR TO EXECUTE, A FRANCHISE AGREEMENT TO PROVIDE CABLE SERVICES BETWEEN THE TOWN OF DAVIE AND BELL SOUTH INTERACTIVE MEDIA SERVICES, INC.; AND PROVIDING AN EFFECTIVE DATE.

Town Clerk Reinfeld read the resolution by title.

Will Allen, Programs Administrator, provided a history of the cable franchise and provided an overview of the proposed agreement.

Curtis Wahl, representing BellSouth, explained that the capacity would allow approximately 100 channels and that the enhanced basic service would be 70 channels. He stated that the exact channel line up would be determined at the time BellSouth actually began to provide service, but it would be consistent with the other basic services being provided. Mr. Wahl added that pricing had not yet been determined for this particular area.

Mayor Venis asked about the equipment upgrades in the Council Chambers. Mr. Wahl stated that BellSouth would pay a proportional share toward the equipment upgrades for both the sound system and the video system. He indicated that costs would be shared between Comcast and BellSouth.

Councilmember Weiner asked if there was an automatic necessity to renew at ten years or if the contract could be reviewed after ten years to determine if there was a proper fit between this provider and the Town. Mr. Wahl stated that a 15 year franchise was typical and indicated that the franchise was basically performance based. If the service requirements were satisfied, he would ask that the agreement be automatically renewed for five years.

Councilmember Weiner stated that the contract only provided for a diversity of video programming services to be provided and he could not find a definition in the agreement. Mr. Wahl responded that services would be provided as they became available.

Councilmember Weiner asked if BellSouth would agree to archive the Council meeting tapes. Mr. Wahl indicated that he thought BellSouth had agreed to share in the cost and in the logistics that go with the broadcast of Council meetings to the degree that they need to make copies of tapes of tapes and make them available for the public.

Councilmember Weiner questioned if BellSouth was willing to provide closed caption services. Mr. Wahl responded to the extent that it was a requirement of the ordinance, BellSouth would comply to the degree that technology allowed.

Councilmember Weiner questioned if franchise fees and taxes would be imposed on internet usage. Mr. Wahl replied negatively.

Councilmember Weiner asked if it was possible to include as many telephone numbers as necessary to meet the number of inquiries and complaints from residences or businesses. Mr. Wahl responded that BellSouth typically did not have an access problem for customer service.

Councilmember Weiner asked if BellSouth would be willing to locate an office within the Town. Mr. Wahl

responded that BellSouth typically worked with other businesses to provide for access and payment opportunities so there would not be an inconvenience.

Mayor Venis questioned if there would be an extra charge for a pay-per-view box. Mr. Wahl responded that there would be a nominal charge.

Mr. Wahl advised that BellSouth would begin providing service to the community before the year 2000.

Mayor Venis asked if it was anticipated that roads would be cut with Mr. Wahl responding negatively.

Vice-Mayor Cox stated that the contract provide for construction bonds for roads to be maintained for a year if they had to be cut.

Councilmember Weiner questioned when "Exhibit D" would be provided. Mr. Wahl responded upon the grant of franchise. Councilmember Weiner asked who reviewed those rates. Mr. Wahl replied that the rates were set based on competition and economic opportunity.

Councilmember Weiner made a motion to approve subject to amending the term in the franchise in Section 1.2 to 10 years. After some discussion, the motion died due to a lack of second.

Councilmember Bush made a motion, seconded by Vice-Mayor Cox, to approve the original agreement. Mr.

Webber indicated that during the discussion, Mr. Wahl and Councilmember Weiner had agreed to certain conditions and asked if the motion included the modifications. Councilmember Bush amended his motion to approve the contract which was to reflect the modifications with Vice-Mayor Cox amending her second.

Councilmember Weiner stated that there was one other provision in Section 1.2 that indicated that if there was a conflict between the franchise agreement and the Town's ordinances, the franchise agreement governed. He questioned why the franchise agreement overruled the Town's Code of Ordinances. Mr. Webber explained that because the franchise was a contract, there would be virtually no protection of that contract if Council had the authority to amend the Code at any time and basically obliterate the provision of the contract.

In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

9.9 CABLE FRANCHISE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING, AND AUTHORIZING THE MAYOR TO EXECUTE, A FRANCHISE AGREEMENT TO PROVIDE CABLE SERVICES BETWEEN THE TOWN OF DAVIE, FLORIDA AND COMCAST CABLEVISION OF BROWARD COUNTY, INC.; AND PROVIDING AN EFFECTIVE DATE.

This item was tabled earlier in the meeting.

Griffin Road Corridor Report

9.10 Staff Recommendations for Griffin Road Corridor Study Area.

Ms. Easterling discussed the study with Mr. Katims explaining the staff recommendations.

Mayor Venis asked if anyone wished to speak on this item.

Tom Truex stated that he was happy with the staff recommendations. He suggested that there be parcel acquisitions for neighborhood entrances and requirements on public input before the meeting.

Neal Kalis stated that staff put a lot of effort and consideration into this report. He was not sure what direction he felt this corridor should take and suggested that workshops would be beneficial.

Mayor Venis asked if the residents in the surrounding community were supplied with the corridor study. Ms. Easterling responded that the residents were noticed in writing that the study was available at Town Hall as it was a very large document.

Vice-Mayor Cox stated that adopting the staff recommendations began the process of the hearings and workshops could be held to discuss everyone's issues.

Jane Radanough complimented the Planning and Zoning Division as the study was very thorough and staff had made very good recommendations. She supported the overlay district with the Old Florida Heritage theme and also the future plans for the Old Town Center. Another concern for the residents on 72nd was what would happen to those commercial parcels that were essentially going to be non-viable for commercial development if the Town did not buy the properties and provide some sort of neighborhood entranceways.

Bob Regis complimented the staff and agreed with Mr. Truex as it was a very desirable plan. If it was planned right, the residents could benefit from an off-road type of historical road district.

Janet Truex complimented staff on the report which she agreed with. She would like for the Town to buy the parcels that had been deemed unusable by the consultants.

Franklin Brown agreed for the most part with the staff recommendations. He would like for the Town to buy the

areas that were non-viable to be used for open space purposes.

Roy Radanough agreed with staff recommendations for the most part and with Mr. Truex. He was disturbed by Vice-Mayor Cox's statement that the small parcel of land at the end of 72nd Avenue was not suitable for parking or building construction no matter where the parking lot was. Mr. Radanough questioned what was wrong with providing landscaping which would beautify the residential neighborhood. Vice-Mayor Cox explained that she was talking about the entire corridor not just Mr. Radanough's corner. The possibility of bringing buildings to the front of that whole corridor was an important consideration and slowing traffic down on Griffin Road could be a positive issue.

Mayor Venis asked if anyone else wished to speak for or against this corridor study. As no spoke, the public portion was closed.

Councilmember Paul liked the idea of the plan as the Town was identifying what was not liked so it could concentrate on what was going to be best for that particular corridor. She indicated that a number of people were interested in the Town purchasing different pieces and questioned where the funds would come from

Councilmember Paul suggested providing something on the south side of Griffin Road similar to the Linear Park on Orange Drive as this would allow the use of grant monies and possibly open space monies. Mr. Rawls replied that the consultants had provided a few different funding proposals; however, he was not aware if these were viable funding sources or if there were grant opportunities to purchase land for landscaping projects. He indicated that staff could explore different purchasing options, identify the purchase prices and look at the different funding opportunities if Council so directed.

Councilmember Paul made a motion to approve the study based on the 30 foot setback recommendation. Ms. Easterling clarified that this was a 30 foot functional landscape buffer.

Mr. Rawls stated that if Council was comfortable with the general recommendations of staff and it wished staff to promulgate regulations that would implement these items, the motion should be to recommend the staff report and to direct staff to pursue those items and any other items that wished to add. He clarified that this area had been in a "zoning in progress" for eight months. If Council wanted to direct staff, the direction would become a "zoning in progress" as it related to those issues. Mr. Rawls stated that if a project came in that complied with the intent of those issues, it would move forward; if it did not, it would be held in a state of flux until Council actually acted on those pending regulations.

Councilmember Paul amended her motion that Council move forward with the recommendations of staff.

Councilmember Weiner offered an amendment to direct staff to look into the potential of purchasing and funding purchases along the buffered area that Council had been talking about to provide some of the residential areas some additional attractiveness. Councilmember Paul agreed and Councilmember Weiner seconded the motion. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Items to be tabled

9.11 STAFF REQUESTING A TABLING TO JANUARY 6, 1999 AS COUNCIL TABLED FIRST READING TO DECEMBER 16, 1998

Ordinance - Second and Final Reading

CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN CODE BY AMENDING SECTION 12-40, ENTITLED "NON-CONFORMING USES OF BUILDINGS, STRUCTURES AND PREMISES" BY ADDING THERETO SUBSECTION 12-40(6); PROVIDING FOR RECONSTRUCTION IN CERTAIN CASES OF NON-CONFORMING STRUCTURES OF NO LESS THAN 20,000 FEET IN SIZE; PROVIDING CONDITIONS FOR RECONSTRUCTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (tabled from November 18, 1998)

This item was tabled earlier in the meeting.

9.12 STAFF REQUESTING A TABLING TO JANUARY 6, 1999 AS COUNCIL TABLED FIRST READING TO DECEMBER 16, 1998

Ordinance - Second and Final Reading

CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION ZB(TXT)-7-5-98 CREATING THE "RESIDENTIAL HIGH DENSITY DWELLING

(RM-22) DISTRICT" BY AMENDING THE CODE OF DAVIE, FLORIDA, CHAPTER 12, LAND DEVELOPMENT CODE, SECTION 12-21 ENTITLED, "ZONING DISTRICTS"; SECTION 12-24 ENTITLED "STATEMENT OF PURPOSE AND INTENT OF ZONING DISTRICTS"; SECTION 12-32 ENTITLED, "TABLE OF PERMITTED USES"; SECTION 12-53 ENTITLED, RESIDENTIAL PERFORMANCE STANDARDS"; SECTION 12-81 ENTITLED, "RESIDENTIAL, NEIGHBORHOOD CONSERVATION AND MOBILE HOME STANDARDS, TABLE 12-81C. CONVENTIONAL MULTIFAMILY DEVELOPMENT STANDARDS"; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (tabled from November 18, 1998)

This item was tabled earlier in the meeting.

9.13 STAFF REQUESTING A TABLING TO JANUARY 20, 1999 AS COUNCIL TABLED FIRST READING TO JANUARY 6, 1999

Ordinance - Second and Final Reading

VACATING UTILITY EASEMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, VACATING A PORTION OF UTILITY EASEMENT LOCATED WITHIN TRACT "A" OF THE WEST PARK - WEST PARCEL PLAT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (VA 9-1-98, 14450 State Road) (tabled from November 18, 1998)

This item was tabled earlier in the meeting.

9.14 STAFF REQUESTING A TABLING TO JANUARY 20, 1999 *Ordinance - Second and Final Reading*
REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG TO BY; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 9-2-98, 3550 Weston Road) (tabled from December 1, 1998)

This item was tabled earlier in the meeting.

9.15 PLANNING AND ZONING BOARD TABLED TO JANUARY 13, 1999; COUNCIL CAN TABLE TO JANUARY 20, 1999

REZONING - ZB 7-4-98, Conquistador Apartments, 7400 Stirling Road (tabled from October 21, 1998)

This item was tabled earlier in the meeting.

9.16 PLANNING AND ZONING BOARD TABLED TO JANUARY 13, 1999; COUNCIL CAN TABLE TO FEBRUARY 3, 1999

VARIANCE - V 10-5-98, Swoons/Cumberland Farms, Inc., 12500 State Road 84

This item was tabled earlier in the meeting.

10. APPOINTMENTS.

10.1 Unsafe Structures Board (one non-exclusive appointment; appointment shall be an electrical contractor; term expires April 1999) (*Council consideration of recommendation to appoint Roger Eland*)

Councilmember Weiner nominated Roger Eland. Vice-Mayor Cox seconded the nomination. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

10.2 Davie Water Advisory Board (Mayor Venis - two exclusive appointments; Vice-Mayor Cox - one exclusive appointment; Councilmember Bush one exclusive appointment; insofar as possible, one member of the Board shall be a licensed engineer; term of January to December 1999)

The appointments were deferred to the January 6, 1999 Council meeting.

11. OLD BUSINESS

Mayor Venis indicated that an item regarding Muvico Signs needed to be added to the agenda.

Vice-Mayor Cox made a motion, seconded by Councilmember Bush, to add item 11.1. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - no; Councilmember Weiner - no. (Motion carried 3-2)

11.1 Southwest Broward Holdings Theaters Ltd. (Muvico)

Dennis Mele, representing the petitioner, stated that after meeting with the neighbors, the petitioner wanted to show Council a modification that was consistent with the approved variance order. He stated that the petitioner wanted to move a sign approximately 400 feet west and to reduce the sign from 50 feet to 35 feet and reduce the 260 square feet to 160 square feet.

Mayor Venis stated the petitioner had met with the residents in the community and the residents were happy with the changes.

Councilmember Bush asked if the petitioner would be asking for a change in the variance. Mr. Mele responded negatively as it was not needed; however, he wanted to disclose the changes to Council.

Vice-Mayor Cox stated that the Town had received the renderings for the wall colors for the new Police Department and she did not want to be responsible for the color choice.

Captain John George stated that the tower was to be painted in one of the terra cotta colors and the correct color needed to be chosen.

Vice-Mayor Cox stated that the architect had indicated that the darker terra cotta color would be covered by a lot of plants and shrubs, but the tower was not going to be covered. She indicated that the Town might want to have a more traditional approach to the paint. Vice-Mayor Cox encouraged Council to look at the facility and to determine if the color was acceptable. Mayor Venis suggested that the decision be left to the Police Department.

12. NEW BUSINESS.

12.1 Agrarian Committee Request for Support (Councilmember Paul)

Delia Alonso stated that the Committee had generated a letter and a list of Broward County residents who wanted to protect and preserve the agricultural land. She read a letter from the Committee asking the Broward County Commissioners to develop a standardized policy with respect to qualifications for agricultural classification.

Councilmember Bush stated that he was not sure what the Commissioners could do in standardizing a policy because the decision of a special master was based on the Florida Statutes. Ms. Alonso stated that she understood that the Statutes were not being followed.

Arthur Hurley stated that the Committee had asked the Commissioners to establish a policy so that a guideline could be used. He stated that the citizens were supportive and asked if Council would be supportive by giving some guidelines.

Councilmember Paul asked if Council would be willing to send a letter indicating its interest in pursuing this matter and its support of the committee.

Councilmember Paul made a motion, seconded by Councilmember Weiner, to send a letter to the County Commission supporting the Agrarian Committee. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

12.2 Public Comment on First Reading of Ordinances (Councilmember Paul)

Councilmember Paul suggested that the public be allowed to comment on the first reading of an ordinance which would provide an opportunity for public comment prior to a vote being taken on an issue.

Mr. Webber stated that the initial thought was to change the public hearing from the second reading to the first reading, however, he did not think this was a good procedure. He felt that the intent of the two readings was to make sure that an ordinance was not adopted too quickly unless it was an emergency ordinance which had protections built in. Mr. Webber recommended that the current noticing procedure not be changed. He added that if Council wanted to provide an opportunity for the public to make comments, then it should be through a public comment process.

Councilmember Weiner questioned what the process for public comment would be. Mr. Webber responded that no decision had been made on the procedures as this was the initial discussion on this item. Councilmember Weiner stated he did not mind public comments at the first reading but he did not want to prolong the meeting. He added that it was very important to have the public input at the second reading so the public had an opportunity to see what the issues were.

Mayor Venis stated that if someone from the audience had a question on a Consent Agenda item, they could ask a

Councilmember to pull it for clarification. Councilmember Bush stated that the only concern he had was that an issue could be volatile and the discussion would not affect the wording of the proposed document.

Councilmember Paul stated that time limits could be set and controlled by the Mayor.

Vice-Mayor Cox stated that if something was controversial and people were allowed to comment at the first reading, Council may want to discuss the ordinance at a workshop as there could be a lot of reaction to something that the Town did not anticipate having a problem with. She said that she did not have a problem with public comments on the first reading. Mayor Venis stated that whenever a controversial issue came before Council, he had always allowed public input.

Councilmember Paul stated that this would be a set policy so people could expect it to be allowed on a regular basis. She felt that it would be beneficial to give the public as many opportunities as possible to express themselves.

Vice-Mayor Cox suggested that Council allow public comments on a trial basis to see what happened. Mayor Venis reiterated that this had always been the policy.

Councilmember Weiner stated that the Town should encourage the cable company to provide some type of interactive input from residents who wanted to comment during the Council meeting.

Councilmember Paul asked if a motion was needed or if this discussion was the directive. Mayor Venis replied that the discussion was the directive.

12.3 Supporting Library Bond Issue (Mayor Venis)

Mayor Venis stated that Broward County had requested Council approve a resolution supporting the library issue and added that the Broward League of Cities supported this issue. He asked that this matter be placed on the next agenda.

Councilmember Weiner questioned the procedure to place an item on the March ballot. Town Clerk Reinfeld responded that an ordinance or resolution would need to be provided to the Supervisor of Elections Office sometime in January. Councilmember Weiner asked what the cost would be to add an item to the ballot. Town Clerk Reinfeld responded under \$10,000.

13. DISCUSSION AND POSSIBLE ACTION

13.1 Extension of American Medical Response Contract Revision

Mr. Rawls stated that the Town was progressing rapidly on efforts to take over all EMS programming by April 1999. He indicated that there was progress with the County on the joint powers agreement, equipment had been ordered and hirings were well under way.

Mr. Rawls explained that the revision to the contract would extend the current relationship with American Medical Response as there had been a mutual agreement to reduce the staffing from three to two on each unit. He advised that this amendment would expire on December 23rd and the revision would continue the agreement for another 60 days. Mr. Rawls advised that staff would return with a more comprehensive revision of several other contract elements.

Mayor Venis asked if direction on this issue was needed. Mr. Rawls responded that Council's direction was needed to enter into a continued agreement.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, so moved [to enter into a continued agreement]. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

3.9 Community Redevelopment Agency (CRA)

Neal Kalis, Chair, stated that the Broward County Administrator was trying to modify what the Community Redevelopment Agency's were doing with tax increment funds. He advised that a proposal was being submitted to the Broward County Legislative Delegation to reduce the tax increment funding by 50%. Mr. Kalis indicated that it was not known whether this proposal would effect newly form CRA's or if it would also effect existing CRA's. He asked that Council send a message to the County Commissioners on how the Town felt about County Administrator's proposal.

Vice-Mayor Cox stated that the CRA had worked long and hard to create something with no help from the Council and now that funds were being generated, the County wanted the money.

Mr. Rawls stated that there were a number of CRA districts that were now experiencing a significant tax increment and the County was realizing the taxable value it was going to be denied. He added that a number of the Town's programs were funded based upon anticipated revenues from the tax increment and the Town would have to defend this issue most aggressively.

Mr. Kalis stated that the CRA was looking for Council's support as he thought it would be a political fight. Mr. Rawls added that he thought it was a legal fight and the County was undertaking a major challenge if it was to take away a revenue stream.

Vice-Mayor Cox stated that a letter should be drafted to the County Commission and to the Broward Legislative Delegation stating that decisions had been made and debt incurred based upon what had been represented to the Town. Councilmember Bush indicated that the Broward League of Cities may be interested in this proposal.

Mr. Rawls questioned if it was Council's direction to send a letter to the County Commission and the Delegation stating the Town's position with Council agreeing. He indicating that the CRA had already sent a letter, so this letter would be a reaffirmation.

14. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 11:53 p.m.

